

REMARKS/ARGUMENTS

Claims 17-41 remain in this application. No new matter is added by any of this response.

A. Rejections under 35 U.S.C. 112

Claims 25-31 and 34-41 were rejected under 35 U.S.C. 112 first paragraph as indefinite. Claims 25-27 and 30-31 are amended to improve antecedent basis. Claims 28 and 29 do not use the word "nanofillers" objected to in the office action and so are believed to be in compliance with 35 U.S.C. 112.

Claims 34-41 call for various end products made using the novel formulations recited in earlier presented claims. The Office action states that the claims merely recite a use without any active positive steps delimiting how the use is practiced. This rejection, however, is normally applied to process claims, not claims that call for articles of manufacture such as products and prints. It is not clear that 35 U.S.C. 112 requires that an article of manufacture should necessarily recite active steps describing how the article of manufacture is made or used. Clarification or withdrawal of the rejection of claims 34-41 is respectfully requested.

B. Rejections under 35 U.S.C. 102

Claims 17, 20-23, 34 and 35 were rejected under 35 U.S.C. 102 as being anticipated by Imasato et al. (US Patent 5,127,951). This rejection is respectfully traversed. The amendment to claim 17 is believed to further clarify the distinction between claim 17, which now calls for metallic fillers with domains size less than 100 nanometers, and Imasato et al. that does not show fillers having the dimension and aspect ratio called for in claim 17. Claims 20-23, 34 and 35 are allowable for at least the same reasons as claim 17 from which they depend.

Claims 24, 28-31, 36 and 37 were rejected under 35 U.S.C. 102 as being anticipated by Yamaguchi et al. (US Patent 5,891,986). This rejection is respectfully traversed. The amendment to claim 24 is believed to further clarify

the distinction between claim 24 which now calls for nanofillers with an aspect ratio greater than one, and Yamaguchi et al. that do not show fillers having the dimension and aspect ratio called for in claim 24. Claims 28-31, 36 and 37 are allowable for at least the same reasons as claim 24 from which they depend.

C. Rejections under 35 U.S.C. 103

Claims 32, 33, and 38-41 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lutz et al. (US Patent 5,011,627). This rejection is respectfully traversed.

The Office action acknowledges that Lutz et al. are silent with respect to the particular dimensions called for in claim 32. Lutz teaches that particles of 15 micron and even 20 micron can be used. These are nearly two orders of magnitude larger than the particles of claim 32. The simple use of "less than" 15 micron does not fairly suggest the use of particles that are orders of magnitude smaller than the specific teaching. Accordingly, it is respectfully believed that claim 32 and claims 33 and 38-41 that depend from claim 32 are not made obvious by Lutz et al.

Claims 18 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Imasato in view of Nakayama. This rejection is respectfully traversed.

The Office action acknowledges that the Imasato reference fails to teach nanowhiskers and fibers. The office action asserts that the references are properly combined because substitution of art recognized equivalents is within the level of ordinary skill. However, there is no evidence that the whiskers and fibers are indeed art recognized equivalents. Neither Imasato or Nakayama teach this equivalence upon which the rejection relies. Accordingly, it is respectfully requested that the rejection of claims 18 and 19 be withdrawn.

Claims 25-27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi et al. in view of Nakayama et al. This rejection is respectfully traversed.

The Office action acknowledges that the Yamaguchi reference fails to teach nanowhiskers and fibers. The office action asserts that the references are

properly combined because substitution of art recognized equivalents is within the level of ordinary skill. However, there is no evidence that the whiskers and fibers are indeed art recognized equivalents. Neither Yamaguchi or Nakayama teach this equivalence upon which the rejection relies. Accordingly, it is respectfully requested that the rejection of claims 25-27 be withdrawn.

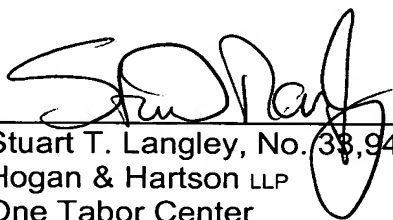
D. Conclusion

In view of all of the above, the claims 17-41 are now believed to be allowable and the case in condition for allowance which action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is requested to contact Applicants' attorney at the telephone number listed below.

No fee is believed due for this submittal. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

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Stuart T. Langley, No. 33,940
Hogan & Hartson LLP
One Tabor Center
1200 17th Street, Suite 1500
Denver, Colorado 80202
(720) 406-5335 Tel
(720) 406-5301 Fax